

MINUTES
City Council – Regular Meeting
APRIL 20, 2021 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Anthony Henry, Stephanie Muller & Beckey Thompson
City Manager Howdy Lisenbee
City Attorney Charles Anderson
Director of Administrative Services Molly Jacobsen
Finance Director Jamie Campbell
Director of Public Safety Chris Bassham

ABSENT:

1. **Call to order:**
Mayor Wyman Williams called the meeting to order at 6:00 p.m.
2. **Invocation:**
Mayor Wyman Williams asked the audience for a moment of silence.
3. **Pledge of Allegiance:**
Mayor Pro Tempore Gene Lockhart lead the Pledge of Allegiance.
4. **Consent Agenda**
 - a. **Acceptance of Minutes:**
 - City Council Special Meeting Minutes- August 4, 2020
 - City Council Special Meeting Minutes- September 1, 2020
 - Parks & Recreation Board Meeting Minutes- March 15, 2021
 - City Council Meeting Minutes- March 16, 2021
 - Building Standards Commission Meeting Minutes- March 18, 2021
 - Commerce Economic Development Corporation Meeting Minutes- March 24, 2021
 - Board of Adjustment Meeting Minutes- April 8, 2021
 - b. **Consider and Take Action on:**
 - A Resolution Authorizing an Agreement between the Texas Department of Transportation (TxDOT) and the City of Commerce for the Street Closure of Business 224/Main Street and Washington Street on May 1, 2021 for the Annual Bois d'Arc Car Show hosted by the Commerce Chamber of Commerce.

Council Member Beckey Thompson moved to approve the consent agenda. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously.

5. **Presentation to City Council Members by members of the Public. (To be conducted as close to 6:05 p.m. as possible with a three-minute limit per person. Public Comments will cease at 6:20 p.m. This period is reserved for citizens to discuss items not on the listed agenda. The response to Public Comments will be limited to 1) A statement of fact or policy; 2) Direction to take up the issue with a city staff member; 3) An offer to place the item on a future Council Agenda.**

No one came forward.

6. **Presentation, Discussion and Possible Action on a Resolution Accepting the Financial Audit for the Fiscal Year ending September 30, 2020.**

Finance Director Jamie Campbell introduced Tommy Nelson, Chief Auditor, with Scott, Singleton, Fincher & Company, who presented the audit findings.

1 Mr. Nelson began with the governmental fund, which is primarily the General Fund. Ad valorem
2 taxes, which include combined debt services and M&O rates, and debt service rate collected
3 \$2,951,000 in 2020. This amount is up from \$2,663,000 in 2019 because of a continued increase
4 in the property tax base which was about a 9% increase in 2020 from 2019.
5

6 Sales taxes in 2020 were \$1,141,000 versus \$1,079,000 in 2019, which is almost a six percent
7 increase in sales tax collections for the city. He noted that given the condition of the economy
8 from the pandemic, this was excellent. The total for all forms of revenue for the City was
9 \$6,800,000 in 2020, as compared to collections at a little over \$7,000,000 in 2019. However, the
10 City received almost \$500,000 in grant money in 2019 that did not repeat in the year 2020 which
11 accounts for this difference. If those grants were removed, the overall revenues would only be up
12 about \$280,000 in 2019 as compared to 2020.
13

14 On the expenditure side, expenditures are down \$6,300,000 in 2020 compared to \$6,900,000 in
15 2019. This is primarily because money was spent on capital outlay in 2019, so the capital outlay
16 was a lot less in 2020. This left the city with an excess of revenues over expenditures, for all
17 governmental funds, of \$512,000.
18

19 In the General Fund, the city had an excess of revenues over expenditures of about \$416,000. The
20 city had some transfers out and some sales from capital assets, so following those, there was an
21 increase in fund balance in the General Fund of \$348,493. This left the balance in the General
22 Fund at \$2,061,907.
23

24 One of the ways auditors look at a city's financial health is to take fund balance as the numerator,
25 and take total expenditures and the general fund as the denominator, and get a percentage and then
26 multiply it times 365 days. This tells auditors how many days of operation the city could function
27 without taking in any revenue beginning the next year. In Commerce's case, it calculates to be
28 about 150 days, which is considered a very healthy ratio for a City as ninety days is considered to
29 be the minimum for a healthy general fund.
30

31 Total operating revenues in Water and Sewer Fund in 2020 were \$5,051,000, which is down from
32 \$5,761,000 last year. However, the city received a one-time payment from the Upper Trinity
33 Regional Water District in 2019 for about \$523,000 which is what is responsible for that
34 difference. The city's expenses were actually down in 2020 at \$5,493,000 compared to
35 \$5,684,000 in 2019. A depreciation is recorded in the expenses of a Water and Sewer fund, which
36 is not a cash flow item, so there is \$976,000 of depreciation included in those expenses. After
37 those expenses, with operating income, there is a deficit of \$441,580. There was some interest
38 income and some interest on debt that made the loss, before any transfers \$493,640. The money
39 from Upper Trinity Water that the city received in 2019 was transferred to some capital projects
40 funds. After that transfer, the city had a decrease in net position in the Water and Sewer fund of
41 \$1,016,882.00, leaving the City with a net position at the end of the year of \$10,351,931. He noted
42 that the water rate increase which began the first of the year was a good thing for the City to do
43 and he recommended revisiting those rates more regularly in the future rather than waiting so long
44 to adjust them all at one time.
45

46 The city's current assets within the water/sewer fund, which are \$1,641,743.00. Auditors compare
47 that to the first section of the liability section which is total current liabilities at \$1,240,000.00.
48 Meaning everything that could convert to cash relative to everything the City would have to pay in
49 cash. That ratio is preferable at about 1:1 in assets relative to liabilities. The City of Commerce
50 is just over that at about 1.3:1 meaning for every \$1.30 the City has in assets for every \$1 in
51 current liabilities. The City does have some cash and cash equivalents and some investments that
52 are not included because those are unspent bond proceeds that you would expect to be spent on
53 capital outlays and thus it is not included in the aforementioned calculation.
54

55 The City is now in the sixth year of presenting their net pension liability. Eventually, there will be
56 ten years of data included in this schedule. The City has had some fairly big liabilities over the

1 course of the years, but it has flipped around considerably in this audit. The net pension liability is
2 the present value of the plan assets versus the present value of the liabilities that will be required to
3 fund pension payments in the future. This is an estimate and has many variables such as how
4 many employees you'll have and when they'll retire as well as what the inflation rate is at the
5 time, so this number is very much just an estimate to determine how the City is doing at the time.
6 The information presented is as of December 31, 2019, which is the most recent information that
7 is available, the City's net pension liability is more than the present value of your assets by
8 \$235,000. One year back, it was \$1,293,000. The year before that, it was \$381,000. The big
9 difference if, if you look at those years, is the net investment income. The City should see some
10 continued improvement as we get more updated information going forward. This is pointed out
11 because it actually is considered a liability in the City's financial statements.
12

13 The city's internal accounting has come a long way in the last few years; and was noted by
14 auditors to be in excellent shape right now. Auditor Nelson noted that the City's accounting has
15 come a long way in the last two years and is excellent at this point.
16

17 Council Member Stephanie Muller moved to approve the Resolution the Financial Audit for the
18 Fiscal Year ending September 30, 2020. The motion was seconded by Council Member Beckey
19 Thompson and the vote carried unanimously.
20

21 **7. Discussion and Possible Action regarding an Ordinance to Amend the FY21 General Fund**
22 **Budget to Authorize the Creation of a Building Inspector Position within the Community**
23 **Development Department.**

24 City Manager Howdy Lisenbee reminded the Council that when it comes to the budget and
25 expenses within a local government: personnel costs, salaries, and benefits typically are one of the
26 largest expense items because, as a service organization, it requires people to provide those
27 services. He noted that as such, the fastest way to unexpectedly balloon and grow a budget is to
28 add people. As such, he prefers that the total number of authorized positions within the
29 organization reside within the purview of the council during the budgeting process, so the
30 community knows what we are doing in terms of total staffing and adding or removing staff
31 positions.
32

33 The budget amendment presented this evening is a budget amendment specifically for adding a
34 position which impacts the total head count. This is not a budget amendment from the standpoint
35 of increasing the total dollars spent related to the City's budget. Mr. Lisenbee noted that we have
36 had a significant amount of savings within the current year budget due to vacancies the City has
37 postponed filling due to various reasons, so we are looking to add the position in this year's
38 budget. However, this position can be funded in this year's budget through savings that we already
39 have related to vacancies in the organization. The request brought before council tonight is to
40 authorize the creation and addition of the building inspector position, but again, does not require
41 action by the Council to authorize the spending of additional dollars from the adopted, FY 2021
42 total budget at this time.
43

44 Mr. Lisenbee summarized the necessity for the position of a Building Inspector. He noted that the
45 city's current practice has been contracting with a third-party organization called Bureau Veritas.
46 Anytime a developer comes and wants to do a construction project, a lengthy process of back-and-
47 forth communication related to plan review occurs among Bureau Veritas, the City and the
48 developer. It often results in a significant delay of three to four months for the process to complete
49 and construction to finally begin. Additionally, during the construction phase, the developer is out
50 additional money while a contractor and his team are waiting on site for someone like a plumbing
51 inspector to arrive through Bureau Veritas. Mr. Lisenbee noted that this is not a knock at Bureau
52 Veritas, it is simply a result of doing business with a group like this which operates away from the
53 City of Commerce, and it takes time to coordinate efforts with them in order to accommodate local
54 developers. Time is money to a developer, and in order for the City to be responsive in turning
55 this lengthy process around and encourage and promote investment in our community, a better

1 solution is to hire a Building Inspector who is on staff with the City of Commerce and can respond
2 more timely to developers as a result of being on the ground in Commerce and on staff with us
3 exclusively.
4

5 According to research by staff, an average salary for building inspectors in the northeast Texas
6 region is between \$42,000- \$48,000 per year. Staff is proposing to create this position at that
7 salary range so that we can attract a qualified building inspector. Two years ago, The City spent
8 about \$33,000 on services with Bureau Veritas. In fiscal year 2020, the city spent \$35,000 with
9 Bureau Veritas. Creating this position will be more expensive than the services we are currently
10 providing with Bureau Veritas, but we also feel strongly it will allow the City to be significantly
11 more responsive to the needs of the developers and to builders as they come to our community.
12

13 City Manager Lisenbee noted that in his first three months here at the City of Commerce, he had
14 three different developers tell him that they would never do business in our community again. He
15 stated that is never something that you want to hear from the development community as
16 developers know each other, and they talk to each other. We do not want that to be the reputation
17 of our community. City Manager Lisenbee thinks that this proposed investment in staff and in the
18 dollars to support that staff will allow the City to be much more responsive going forward.
19

20 Council Member Anthony Henry moved to approve this Ordinance amending the City's budget to
21 authorize the additional position. The motion was seconded by Council Member Stephanie Muller
22 and the vote carried unanimously.
23

24 **8. Presentation of a Plaque to the City recognizing the City of Commerce as a Founding**
25 **Member of the Texas Coalition for Affordable power (TCAP).**
26

27 Margaret Somereve, Executive Director for the Texas Coalition for Affordable Power (TCAP)
28 presented the City with a plaque.
29

30 Ms. Somereve read the following statement:
31

32 "Twenty years ago, the city of Commerce passed a Resolution to join with other cities working
33 together for the benefit of all to form the Cities Aggregation Power Project (CAP). It was
34 intended to help cities save money on their electric bills. Fast forward, and the Cities Aggregation
35 Power Project merged with a group called the South Texas Aggregation Project and in 2011,
36 TCAP was formed with the same purpose: to find energy rates to save our members money and, in
37 turn, save tax dollars. With 168 members, TCAP is the largest organization of its kind. As we
38 begin our twentieth year, we want to thank our founding members, those members who have been
39 with us since the very beginning, and who have continued to be leaders in working together for
40 savings. On behalf of the board of directors and myself, I want to present this to the city of
41 Commerce as a thank you for your membership in the Texas Coalition for Affordable Power."
42

43 **9. Discussion and Possible Action on Authorizing the City Manager to Execute a Land Lease**
44 **Agreement between the City of Commerce and Sandknop Tree Farm near the Commerce**
45 **Wastewater Treatment Plant.**
46

47 City Manager Howdy Lisenbee reminded the Council that the City's wastewater treatment plant is
48 located on FM 3218, or "Bus Barn Road", in the southeast corner of the community. Our property
49 line is shared with the Sandknop Tree Farm. The City has approximately ten acres on the eastern
50 edge of the treatment plant that the city no longer uses actively as it was formerly an old sludge
51 lagoon. Each year, the City has to pay someone to mow or shred that area to maintain it in
52 compliance with the state.
53

54 Sandknop Tree Farm is expanding their tree operations. Some of the areas where they park their
55 equipment, they want to be able to use for farming. They need an additional place to park their
56 equipment and have made a request to the City that they would like to lease this ten acres from the

City. They have offered to pay \$500 per year, and offered to pay the full 10-year value up-front, which would be a \$5,000 revenue.

This opportunity has the potential to take an unused lot that the City spends money to maintain, and someone will actually pay the City to maintain it in exchange for parking their equipment in this space. The city worked with the City Attorney to draft a lease agreement that we will submit to Sandknop Tree Farm. Staff is requesting the Council's authorization to negotiate and execute that lease as discussed.

Council Member Beckey Thompson moved to approve the City Manager negotiating and executing a land lease agreement with Sandknop Tree Farm. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

10. Discussion and Possible Action on a Resolution regarding the Application of Atmos Energy Corporation – MidTex Division to Increase Rates under the Gas Reliability Infrastructure Program (GRIP); Suspending the Effective Date of this Rate Application for Forty-five days; and Authorizing the City to Continue to Participate in a Coalition of Cities known as the Atmos Texas Municipalities (ATM).

Beth Dattomo stated that the City is a member of the Atmos Texas Municipalities ("ATM") Coalition, and the attorneys which represent that coalition have decided on a "Gas Reliability Infrastructure Program" or "GRIP" filing this year, which is the Gas Reliability Infrastructure Program. The filing is from January 1st of 2020 through December of 2020, so there is no impact of the winter storm that we had in February of 2021. Those rates are being held under the Railroad Commission and the State Legislature separately. This filing is based strictly on all of the infrastructure and replacements that were handled in the year of 2020.

A handout was given to the Council which went out to customers in the March 4th customer billing and was provided as a two-sided English and Spanish version. The handout also went out to customers who participate in email billing.

Ms. Dattomo noted there is an increase for residential, transportation and industrial customers. The City currently has only one transport customer, but there are 1,339 residential customers, and 184 commercial/industrial customers for a total of 1,524 customers currently in the city.

What the Council is considering this evening is simply a suspension resolution. The coalition has already agreed to the filing and the rate increase. What the suspension resolution would accomplish is if the Council choose not to accept the resolution, then the rates would go into effect on April 27th. If the Council does decide to pass the suspension resolution tonight, it would allow 45 days for the customers to see the increase, so June 11th would be the effective date of the increase on the bills.

Council Member Stephanie Muller moved to approve the suspension resolution. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously.

11. Discussion and Possible Action on a Resolution Denying the Distribution Cost Recovery Factor (DCRF) Rate Request of Oncor Electric Delivery Company, LLC and Authorizing Participation in a Coalition of Similarly Situated Cities and Authorizing Participation in future, related Rate Proceedings.

Larry Willis with Oncor addressed the Council. He stated the DCRF is a "distribution cost recovery factor" which helps Oncor annually recover costs for capital expenditures and earn a return on those and is built into the rate system. Oncor asks tonight that the Council deny the resolution because if they were to approve it as is, then the public utility commission, or PUC, changes it, and the City would have a different rate. Oncor wants a universal rate for all of their customers. Thus tonight, they are asking that the Council deny the presented resolution.

1
2 Mr. Willis reminded the Council that we are represented by the AOC, the Alliance of Oncor
3 Customers, and the steering committee, so the advice of their legal counsel is to deny the
4 Resolution. This would affect the average residential customer that uses about 1300 kilowatt
5 hours would be about \$1.35 increase per month, but Oncor wants the rate to go to the PUC for a
6 uniform, system-wide rate.
7

8 Council Member Stephanie Muller moved to approve a Resolution denying the Distribution Cost
9 Recovery Factor Rate Request of Oncor Electric Delivery Company, LLC. The motion was
10 seconded by Council Member Anthony Henry and the vote carried unanimously.
11

12 **12. *First Reading- Discussion and Possible Action on an Ordinance adopting the 5th Edition of***
13 ***the Texas State Records Retention Schedule.***
14

15 Director of Administrative Services Molly Jacobsen advised the Council that the Local Records
16 Government Act was adopted by the Texas late Texas Legislature in 1989 and has been codified
17 within Texas Local Government Code. Essentially what this means is, that every document on the
18 dais tonight and every record created or utilized by staff and council, are records that belong to the
19 citizens of Commerce. There are, of course, some documents which are excepted from being
20 considered public information, like employee bank account information for direct deposit
21 purposes, or records related to minors. However, for the most part, all of the records created,
22 maintained and used by personnel and elected officials is property of taxpayers and thus, must be
23 maintained and disposed of utilizing a transparent process.
24

25 In or around 2013, the City adopted the Texas State Library Archives Commission (TSLAC)
26 Fourth Edition of a local government records retention schedule. Staff is asking Council to adopt
27 the 5th Edition of the Texas State Records Retention Schedule which was released in 2020.
28

29 Mayor Pro Tem Gene Lockhart made a motion to approve this Ordinance adopting the 5th Edition
30 of the retention schedule. The motion was seconded by Council Member Stephanie Muller, and
31 the vote carried unanimously.
32

33 **13. *First Reading- Discussion and Possible Action on the Adoption of an Ordinance Regulating***
34 ***Scooter and Bicycle Sharing Services Within the City of Commerce.***
35

36 City Manager Howdy Lisenbee stated that a month or two ago, the Mayor received a call from a
37 scooter company. He noted that there are a number of different companies whose business model
38 is "like Uber without the driver." The company will bring in a supply of two-wheeled scooters or
39 bicycles, and customers can use an app on their smartphone to rent a scooter or bicycle and use it
40 to move around the community wherever you need to. When you finish utilizing the scooter or
41 bicycle, you log out through the app, pay whatever your rental fee is for usage, and then leave that
42 scooter or bicycle wherever you stopped.
43

44 Mr. Lisenbee noted that this business model does not typically fall within most municipalities'
45 regulations for taxi and related ride-sharing services. The Mayor requested that staff look into this
46 and see what the City's options are. Manager Lisenbee noted that he has worked in a couple of
47 cities where this became a conversation, so he had staff do some research. He noted that the
48 challenge is that if this business model is presented to communities and left unregulated, you end
49 up with scooters and bicycles randomly located on the sidewalks, reducing people's ability to
50 move around and safely navigate our sidewalks. The bicycles and scooters end up left out on the
51 road, which impacts vehicle traffic. What the proposed ordinance and regulations would do is
52 require the company to get a permit from the city to recognize that they are going to operate within
53 the city. Then it would further require them to maintain control of their scooters and bicycles so
54 that they have a "home base." If the scooters and bicycles get scattered all over the community,
55 the business then has the responsibility to collect them and bring them back to home base.
56

1 This particular ordinance has been successfully used in other cities, so it is what staff presents for
2 Council consideration on a first reading.

3
4 Manager Lisenbee noted that city attorney Charles did review this ordinance. There was a question
5 about if we begin to initiate an offense that there is a scooter that is left where it should not be,
6 does the City go after the business that owns the scooter, or does the City pursue action after the
7 customer that rented it and left it there? Manager Lisenbee noted that in his experience, by the
8 time the scooter or bicycle is found, the renter is long gone, and the City has no knowledge who
9 the renter is unless the City were to go through the company and ask them for access to know who
10 rented the scooter. Often, those companies are hesitant to release their customer information, or
11 are not timely in the release of that customer information. This makes enforcement pretty
12 difficult. The proposed Ordinance is written that we would pursue action against the owner of the
13 company if issues arise where bicycles and scooters are left unattended around town.

14
15 Council Member Beckey Thompson inquired as to where the home bases would be in Commerce.
16 Manager Lisenbee noted that the home base would be in the downtown area and also somewhere
17 at the university. He noted that when a scooter is found, the City would notify the company, and
18 they have a certain amount of time to move it before the City would issue a citation. Manger
19 Lisenbee said recommendation of City staff is to approve this Ordinance to establish some sort of
20 guidelines related to a potential company like this coming to Commerce as if they were to move to
21 Commerce prior to establishing this Ordinance, the City would have no way of enforcing rules or
22 guidelines related to this.

23
24 Council Member Anthony Henry moved to approve this ordinance regulating scooter and bicycle
25 sharing services within the city of Commerce. The motion was seconded by Council Member
26 Beckey Thompson and the vote carried unanimously.

27
28 **14. First Reading- Discussion and Possible Action on an Ordinance of the City Council of the**
29 **City of Commerce, Texas Amending Chapter 2, 'Administration' and adding Article VI,**
30 **'Ethics'; and adopting General Standards of Ethics; Conflicts of Interest and Related**
31 **Disclosures; Gifts and Honorariums; Adopting Related Definitions and Associated**
32 **Interpretations of such terms; Ethics Training; and Adoption of Policy for Elected and**
33 **Appointed Officials for the City of Commerce.**
34

35 Director of Administrative Services Molly Jacobsen stated that the City passed a resolution in July
36 of 2015 with an ethics policy. Research by staff revealed that most cities codify an ethics policy
37 within their code of ordinances. In an effort to clean up city ordinances, which was one of the
38 priorities of the Council this year, a 10-page ethics policy is being presented to incorporate into the
39 City's Code of Ordinances. Attorney Charles had some suggestions and input after this policy was
40 constructed. One of the things addressed was a clause that would prohibit current or former city
41 employees from utilizing information obtained in their position to leverage financial gain by
42 disclosing that information to parties which could result in a conflict of interest. One of the
43 recommendations Charles made was to consider: would this policy just apply to employees who
44 are terminated? Or would that apply to individuals who retire from the city too? Director Jacobsen
45 noted that as the policy is written currently, it is not only for City Council, but it is an ethics policy
46 for all city employees as well as all members of all city boards and commissions.

47
48 Council Member Beckey Thompson asked about a portion of the policy which prevents an
49 employee or official from gaining an economic advantage as a result of their role within the City.
50 She inquired if a city employee or their family member have their own business outside of their
51 city job, would they still be able to do their other business within the city under this policy?
52

53 City Manager Howdy Lisenbee read from the document Section 1.1 and stated:

54
55 "Public service is a public trust. All city officials and employees are stewards of that public trust.
56 They have a responsibility to the citizens of the city to administer and enforce the city charter and

1 the city ordinances. To ensure and enhance public confidence in the city government, each city
2 official and employee must strive not only to maintain technical compliance with the principles of
3 ethical conduct set forth in this article and in state law, but to also avoid the appearance of
4 impropriety at all times." Manager Lisenbee stated that this policy is intended to preserve and
5 protect the public's trust in our public service as trust is the most valuable thing we possess in
6 doing our jobs. He noted that whatever policies the City adopts, should promote the kind of
7 behavior we want to encourage.

8
9 Manager Lisenbee stated that his recommendation would be that this policy either needs to say
10 "No. Employees cannot do work for the city", or it all needs to be open and transparent and
11 disclosed so that everybody can see that award of that work was done fairly. The way the policy is
12 written right now, an employee cannot do any work for the city outside of their normal job duties
13 on our payroll. There are situations where that can actually hurt the city by costing us more money
14 or additional resources. Staff recommends that the Council consider some version of adopting that
15 policy, so that it is all out in the sunlight, that it is bid out and that it is fair and that the process is
16 transparent.

17
18 Manager Lisenbee noted that this is not always a simple question. He noted that the issue of the
19 Fair Labor Standards Act arises when the question comes up- is the employee still working for the
20 city as an employee in which those hours need to be logged as part of overtime calculations? Or
21 are they working, not as an employee but as a real and true contract, outside of their role as a city
22 employee? City Manager Lisenbee noted that he spoke at length with City Attorney Charles about
23 this and feels that Council is going to have to take a look at this on a case-by-case basis when it
24 comes to potential conflicts of interest with city employees.

25
26 City Manager Howdy Lisenbee continued that he would recommend Council write the policy in a
27 way that if we are buying a product from someone that is potentially a city employee, that this be
28 allowed as long as it is an open and transparent bid process. He noted that the City would need to
29 understand the risk that the guy who did not get the bid can complain that the employee had
30 insider information that allowed him to low bid, and we would have to be able to defend ourselves
31 against those claims.

32
33 Manager Lisenbee suggested that if a job is under \$2,500, we would ask staff to get at least three
34 quotes, but the director of that department does not have to submit it to Council for approval first.
35 Part of the underlying assumption there is that a director is not going to put their job on the line for
36 a \$500 benefit by cutting corners and helping out a buddy by giving them the work.

37
38 Mayor Wyman Williams suggested that he didn't think the Council needed to be responsible for
39 the level of operation and oversight that would require them monitoring city employee's
40 compliance with ethics policies. He noted that he felt that was the role of the City Manager, who
41 is appointed by the City Council, and that the City Manager currently employs responsible
42 directors who are responsible people that the Council should be able to trust. He stated that if the
43 City Manager felt an employee could not be trusted, that was his prerogative to terminate that
44 employee and should not be the role of the Council to enforce. Mayor Williams stated that he felt
45 an Ordinance related to ethics of elected and appointed officials was very necessary as there
46 currently is nothing to establish those expectations or hold elected and appointed officials to that
47 high standard.

48
49 Council Member Stephanie Muller moved to accept the Ordinance on the first reading with
50 possible changes looking specifically at city employees providing services versus providing a
51 product. This motion was seconded by Council Member Anthony Henry, and the vote carried
52 unanimously.

- 53
54 **15. First Reading- Consideration and Possible Action on an Ordinance amending Chapter 90,**
55 **'Traffic and Vehicles,' Subsections 90-101 (a)(2) and (a)(3) of the Code of Ordinances of the**
56 **City of Commerce to designate a 'No Parking Zone' on a Portion of the east and west side of**

Bois d'Arc Street, between Stonewall and Culver Street, Providing a Penalty and Providing for an Effective Date.

Director of Public Safety Chris Bassham discussed that this item adds the section of Bois d'Arc Street south of the University campus, from Stonewall to Culver, to the City's "No Parking" map. This is being brought to Council as part of staff's efforts to clean up city streets which are narrow and difficult for emergency vehicles to traverse as a result of people parking on the streets. There are nearby University parking lots that students are not utilizing, likely because it is free and allowable to park on the street, as opposed to paying for a University parking permit. This street currently has section which are "No Parking" and sections which do allow for parking. This would clean that up to make the entire section of Bois d'Arc "No Parking."

Council Member Stephanie Muller moved to accept this Ordinance on the first reading. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

16. City Manager's Report; discussion of same.

- **Public input feedback**
- **Finance Update-**
 - **Sales Tax-** Finance Director Jamie Campbell stated that the City has received \$712,000 in sales tax revenue as of April 2021. The City is trending higher than budgeted collections so the assumption is the City will reach the budgeted collection amount of \$1,000,000 for total sales tax this fiscal year.
 - Applications for Hotel Occupancy Tax (HOT) allocation grants will be released and e-mailed to those who have been allocated funds in the past. The application will also be available online and presentations by applicants will take place at the regular May 18th council meeting.
 - **Property Tax-** Property tax revenue as of March 2021 is about \$2.2 million, which is about 93.4% of the tax levy.
- **Calendar of upcoming events.**
 - Director of Administrative Services Molly Jacobsen discussed the National Prescription Drug Take Back event that Commerce Police Department will join the DEA in hosting on Saturday, April 24th. Individuals can take unused or unwanted prescription or over-the-counter drugs and drop them off at a bin in the lobby of the Commerce Police Department on April 24th from 10 a.m. to 2 p.m. These drugs will be disposed of properly, keeping them out of the hands of the wrong people and out of our water system.
 - Director Jacobsen noted that early voting is currently underway at Commerce City Hall from Monday, April 19th through Tuesday, April 27th from 8:15 a.m. to 4:45 p.m. with extended voting hours today, Tuesday, April 20th and again on Thursday April 22nd from 7:00 a.m. to 7:00 p.m. Commerce City Hall will also be the polling place on election day, which is May 1, 2021 from 7:00 a.m. to 7:00 p.m.
 - The 6th Annual Chamber Bois d'Arc Car show will take place downtown on May 1st.
 - The City of Commerce Farmer's Market kicks off also on May 1st in downtown Commerce.
 - Beginning Monday, May 3rd, the City will begin annual mosquito spraying. That schedule is available online to the public.
 - The City will canvass the results of the May 1st General Election at a special meeting of the Commerce City Council on May 11th at 6:00 p.m.
- **Personnel.**
- **Projects update.**
 - The Airport Fuel farm has been non-operational for over a year, so pilots can not refuel currently at the Commerce airport and impacts customers who have hangars and space at our airport. Engineering has been underway for

1 construction plans of an Avgas fuel system, along with a Jet A fuel system.
2 That design work has been completed and the construction of that project is
3 ready to bid out. The contract released for this project was for the design
4 phase only and did not include bid services for construction of the project
5 originally. The design contract was \$27,000 for designing both the Avgas
6 and Jet A fuel system. It would be an additional \$17,000 to have the design
7 engineer bid out the construction of this project on the City's behalf, which
8 is the safest plan moving forward given that the city is dealing with fuel. City
9 Manager Lisenbee has approved the additional \$17,000, and since it is under
10 the \$50,000 threshold, it doesn't have to come back before Council. City
11 Staff did confirm that half of this cost is eligible to come back to us through
12 the RAMP grant that the City participates in every year with TxDOT.

- 13 • Construction of the taxiway at the airport is complete at this time.
- 14 • The design stages of the raw water pump station at Lake Tawakoni is
15 underway. The grant associated with this project has a deadline of December
16 21st, so the City has reached out to TDA to request an extension for the
17 deadline of this grant. City Manager Lisenbee has asked engineers to design
18 this project to allow for back up generators to portably be connected to this
19 system in the future should we need that option.
- 20 • The City is looking for a permanent generator to be out at the WTP and
21 engineers working on the filter rehab project at the WTP will be including in
22 their scope of work plans to include a generator at the WTP. American
23 Rescue Plan (ARP) funds that are due to the City in the coming months can
24 be used to pay for this generator.
- 25 • Design is complete for the Pump Station rehab project at the Wastewater
26 Treatment Plant. An engineer reviewing these plans with the Water
27 Development Board has been out on paternity leave, but as soon as those
28 plans are approved, that project is ready to bid out for construction as well.

29 • **Intergovernmental Events and Issues**
30

31 **17. Recess into Executive Session:**

- 32 • §551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which
33 the duty of the attorney to the governmental body under the Texas Disciplinary
34 Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the
35 Texas Open Meetings Act and Consultation with Attorney regarding pending or
36 contemplated litigation.

- 37 • *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt*
- 38 • *Amir Rahman v. City of Commerce and Ned Muse, Cause*
39 *No. 89253, 354th District Court*

40 Council Member Beckey Thompson moved to recess into executive session. The motion was
41 seconded by Council Member Beckey Thompson and the vote carried unanimously. The City
42 Council recessed into executive session at 7:37 p.m.

43 **18. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the**
44 **City Council will reconvene into Regular Session to consider any action, if any, on matters**
45 **discussed in Executive Session.**

46 There was no action by the Council out of Executive Session.
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19. Adjourn.

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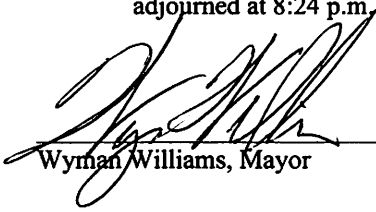
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Wyman Williams, Mayor

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Molly Jacobsen, City Secretary

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06/15/2021
Date

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